



Minnesota Pollution Control Agency

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April 16, 2015

Ms. Tamara Cameron
U.S. Army Corps of Engineers
Regulatory Branch Chief, St. Paul District
180 Fifth St E Suite 700
St. Paul, MN 55101-1678

Mr. Tom Moe
U.S. Steel Corporation
Minnesota Ore Operations
8819 Old Highway 169
Mt. Iron, Minnesota, 55768

RE: 2014-01247-TJH Denial Without Prejudice of 401 Certification for
Minntac Dark River Seepage

Dear Ms. Cameron and Mr. Moe:

This letter is submitted by the Minnesota Pollution Control Agency (MPCA) under authority of Section 401 of the Clean Water Act (CWA) (33 USC 1251 et seq.), Minn. Stat. chs. 115 and 116 and Minn. R. 7001.1400-7001.1470, R 7050, 7052, and 7053.

Project Description:

U.S. Steel Corporation (USS) is proposing to discharge fill material into 25.3 acre wetlands that are part of the tributary system of the Dark River for the construction of a seepage collection project at the west tailings basin of the Minntac facility in Mountain Iron, Minnesota. The project is located in Sections 6, 7, 18, 19, and 30 of township 59N, Range 18W; and in Section 24, Township 59N, 19W, St. Louis County, Minnesota.

Decision:

On May 16, 2014, the U.S. Army Corps of Engineers (USACE) issued a public notice for this project. Under the provisions of the CWA, the MPCA has one year to act upon this application for 401 Certification. After the public notice, USS decided to redesign the seepage collection system to avoid and minimize the potential wetland impacts. However, the timeline to complete and submit the redesign is after the one-year deadline for MPCA to issue a 401 Certification. As a result, the MPCA does not currently have sufficient information to be reasonably assured that the project will be conducted in accordance with water quality standards. Therefore, the MPCA is denying, without prejudice, the Section 401 Certification.

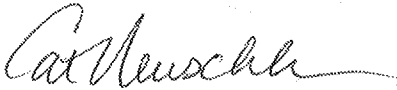
The MPCA uniformly denies Section 401 Water Quality Certification without prejudice when elements of the project are not fully defined. The MPCA is not yet making a final determination on the proposed project's ability to comply with applicable water quality standards. Once the MPCA receives information on the project redesign from USS, we will continue the process of reviewing the project for Section 401 Certification.

Ms. Tamara Cameron and Mr. Tom Moe
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Disclaimers:

This action does not release the applicant from any liability, penalty or duty imposed by Minnesota or federal statutes, regulations, rules or local ordinances and it does not convey a property right or an exclusive privilege. If you have any questions or require additional information regarding this certification, please contact Jim Brist at 651-757-2245.

Sincerely,



Catherine Neuschler
Supervisor, Agency Rules Unit
Environment and Energy Section
Resource Management and Assistance Division

CN/JB:je

cc: Peter Swenson, USEPA
Janice Cheng, USEPA
Wendy Melgin, USEPA
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